

**REMARKS**

Applicant has carefully reviewed and considered the Office Action mailed on March 28, 2003. Claims 23-67 remain pending.

**Double Patenting Rejection**

Claims 23, 32, 34, 36, and 39 were rejected under the judicially created doctrine of double patenting over claims 1, 3, 4, and 11 of U.S. Patent No. 6,096,457. Applicant will consider filing a Terminal Disclaimer when all claims are indicated to be otherwise allowable. Applicant respectfully requests the Examiner to call Applicant's attorney at (612) 373-6960 if the claims are indicated to be otherwise allowable to facilitate prosecution of this application.

**§103 Rejection of the Claims**

Claims 23-29, 31-33, 36, 38-42, 45, 46, 51, 53-58, and 61-67 were rejected under 35 USC § 103(a) as being unpatentable over Tanaka et al. (U.S. Patent No. 5,633,713) in view of Smith (U.S. Patent No. 6,466,304). Applicant respectfully traverses the rejection at least for the following reason.

Applicant respectfully asserts that the Smith reference (US 6,466,304) is not a prior art reference. The Smith reference indicates that the corresponding application was filed on October 21, 1999 and issued on October 15, 2002. The Smith reference claims priority to US Provisional Application 60/119,780 filed on February 11, 1999 and Provisional Application 60/105,281 filed on October 22, 1998.

The present application is a continuation of Application Serial No. 09/031,639, filed on February 27, 1998, now US Patent 6,096,457. The filing date of the parent application is before the priority dates claimed by the Smith reference.

Applicant asserts that the Tanaka et al. reference alone does not support the rejection. The rejection states that the Tanaka et al. reference does not disclose the claimed subject matter. Applicant respectfully requests withdrawal of the rejection, and reconsideration and allowance of the claims.

**AMENDMENT AND RESPONSE UNDER 37 CFR § 1.116 – EXPEDITED PROCEDURE**

Serial Number: 09/503553

Filing Date: February 11, 2000

Title: SYSTEM AND METHOD FOR OPTIMIZING PRINTING OF A PHASE SHIFT MASK HAVING A PHASE SHIFT ERROR

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**Allowable Subject Matter**

Claims 30, 37, and 52 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant acknowledges the allowance of claims 34, 35, 43, 44, 47-50, 59, and 60.

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CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (612) 373-6960 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

CHRISTOPHE PIERRAT ET AL.

By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLETH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6960

Date 5-28-03

By MLB

Marvin L. Beekman  
Reg. No. 38,377

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O.Box 1450, Alexandria, VA 22313-1450, on this 256 day of May, 2003

Name

Gina M. Upitus

Signature

Gina Upitus